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INSTRUCTIONS

FROM THE

COMMISSIONER OF THE GENERAL LAND OFFICE

TO

WILLIAM PELHAM,

SURVEYOR GENERAL OF NEW MEXICO

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PRINTED IN THE SANTA FE GAZETTE OFFICE.

1855.

# INSTRUCTIONS, &c., &c.

GENERAL LAND OFFICE, August 21st, 1854.

SIR: The 8th section of the act approved 22d July last, for the establishment of the office of Surveyor General in New Mexico, declares as follows:

“SECTION 8 *And be it further enacted*, That it shall be the duty of the Surveyor General, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages and customs of Spain and Mexico; and for this purpose, may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises.

“He shall make a full report on all such claims as originated before the cession of the Territory to the United States, by the treaty of Guadalupe Hidalgo, of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same, under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all the pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants, and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico; and, until the final action of Congress on such claims, all lands shall be reserved from sale

or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act '

The duty which this enactment devolves upon the Surveyor General is highly important and responsible. He has it in charge to prepare a faithful report of all the land titles in New Mexico, which had their origin before the United States succeeded to the sovereignty of the country, and the law contemplates such a report as will enable Congress to make a just and proper discrimination between such as are bona fide, and should be confirmed, and such as are fraudulent, or otherwise destitute of merit, and ought to be rejected.

The treaty of 1848, between the United States and Mexico—United States Statutes at large, volume 9, page 922—expressly stipulates in the 8th and 9th articles for the security and protection of private property. The terms there employed in this respect are the same, in substance, as those used in the treaty of 1803 by which the French Republic ceded the ancient province of Louisiana to the United States, and consequently in the examination of foreign titles in New Mexico you will have the aid of the enlightened decisions, and the principles therein developed of the Supreme Court of the United States, upon the titles that were based upon the Treaty of Cession, and the laws of Congress upon the subject.

The security to private property for which the treaty of Guadalupe Hidalgo stipulates, is in accordance with the principles of public law as universally acknowledged by civilized nations:

"The people change their allegiance; their relation to their ancient sovereign is dissolved, but their relations to each other, and their rights of property, remain undisturbed."—U. S. vs Percheman; 7, Peters' Reports.

In the case of the United States vs Arredondo and others, 6th Peters' Reports, the Supreme Court declares that Congress "have adopted as the basis of all their acts, the principle that the law of the province in which the land is situated, is the law which gives efficacy to the grant, and by which it is to be tested whether it was *property* at the time the treaties took effect."

Upon the same basis, Congress has proceeded in the present act of legislation, which requires the Surveyor General, under instructions from the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land "under the laws, usages, and customs of Spain and Mexico," and arms the Surveyor General with power for the purpose, by authorizing him to "issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises."

The private land titles in New Mexico are derived from the authorities of old Spain, as well as of Mexico.

Among the "necessary acts" contemplated by the law, and required of you, is that you shall, 1st, acquaint yourself with

the land system of Spain as applied to her ultra marine possessions, the general features of which are found, modified of course by local requirements and usages, in the former provinces and dependencies of that monarchy on this continent

For this purpose you must examine the laws of Spain, the Royal Ordinances, Decrees and Regulations, as collected in WHITE's RECOPIACION, 2 volumes

By the acts of Congress approved 26th May, 1824 23d May, 1828, and 17th June, 1844, United States Statutes at large vol. 4, page 52, chap 173, page 284, chap 70; and vol 5, page 676, chap 95, the United States District Courts were opened for the examination and adjudication of foreign titles. Numerous cases on appeal under these laws, and other cases on writs of error, in which actions in ejectment in the courts below had been instituted, were brought before the Supreme Court of the United States, where the rights of property under inceptive and imperfect titles, which originated under the Spanish system, have been thoroughly examined and discussed with eminent ability

For these decisions I refer you to Peters' and Howard's Reports of the Decisions of the Supreme Court of the U S It is important you should carefully examine them in connexion with the Spanish law, and the legislation of Congress on the subject, in order that you may understand, and be able to apply, the principles of the Spanish system as understood and expounded by the authorities of our government.

2nd. Upon your arrival at Santa Fé, you will make application to the Governor of the Territory for such of the archives as relate to grants of land by the former authorities of the country.

You will see that they are kept in a place of security from fire, or other accidents, and that access is allowed only to land owners who may find it necessary to refer to their title records, and such references must be made under your eye, or that of a sworn employee of the Government.

You will proceed at once to arrange and classify the papers in the order of date, and have them properly and substantially bound. You will then have *Schedules* marked 1, of them made out in duplicate, and will prepare *Abstracts* No. 2, also in duplicate, of all the grants found in the records, showing the names of grantees, date, area, locality, by whom conceded, and under what authority.

You will prepare, in duplicate, from the archives or other authoritative sources, a *Document*, No 3, exhibiting the names of all the officers of the Territory who held the power of distributing lands, from the earliest settlement of the Territory until the change of government, indicating the several periods of their incumbency; the nature and extent of their powers in conceding lands; whether, and to what extent, and under what conditions and limitations, authority existed in the Governor, or Political Chiefs, to distribute (repartir) the public domain; whether in any class of cases they had the power to make an absolute grant, and if so, for what maximum in area; or whether subject to the affirmance of the departmental or supreme Government; which

er the Spanish surveying system was in operation, and since what period in the country, and under what organization; also, with verified copies in the original and translations of the laws and decrees of the Mexican Republic, and regulations which may have been adopted by the general government of that Republic, for the disposal of the public lands in New Mexico — Herewith you will receive a table of Land Measures adopted by the Mexican government, translated from the "*Ordenanzas de Tierras y aguas*," by Mariano Galvan, edition of 1844, as printed in Ex Dec No 17, 1st session 31st Congress, H. Reps., containing much valuable information on the subject of California and New Mexico, and of which doc. I would invite your special and careful examination.

In a report of the 14th November, 1851, from the Surveyor General of California, it is stated that all the grants, &c., of lots or lands in California made either by the Spanish government or that of Mexico, refer to the "*vara*" of Mexico as the measure of length; that by common consent in California that measure is considered as exactly equivalent to thirty-three American inches. That officer then enclosed to us Copy of a document he had obtained as being an extract of a treaty made by the Mexican government, from which it would seem that another length is given to the "*vara*," and by J. H. Alexander's (of Baltimore) Dictionary of Weights and Measures, the Mexican "*vara*" is stated to be equal to 92741 of the American yard.

This office, however, has sanctioned the recognition in California of the Mexican *vara* as being equivalent to thirty-three American inches.

You will carefully compare the data furnished in the table herewith and in the foregoing, with the Spanish measurements in use in New Mexico, and will report whether they are identical, or if varied in any respect by law or usage, you will make a report of all the particulars.

You should also add to "Document No 3" the *forms* used under the former governments to obtain grants, beginning with the initiatory proceeding, viz: The petition, and indicating the several successive acts until the title was completed.

A copy of the "Schedule," "Abstract," and "Document," required of you in the foregoing, duly authenticated by you, should constitute a part of the permanent files of the Surveyor General's office, and duplicates of them should be sent as soon as practicable to the Department of the Interior.

The knowledge and experience you will acquire in arranging the archives, collecting materials, and making out the documents called for by these instructions, will enable you to enter understandingly upon the work of receiving, examining the testimony which may be presented to you by land claimants, and prepare your report thereon for the action of Congress.

In the first instance, you will provide yourself with a journal, consisting of substantially bound volume, or volumes, which is to constitute a complete record of your official proceedings in regard to land titles, and with a suitable Docket for the entry

therein of claims in the order of their presentation, and so arranged as to indicate at a glance a brief statement of each case, its number, name of original and present claimant, area, locality, from what authority derived, nature of title, whether complete, or incomplete, and your decision thereon.

Your first session should be held at Santa Fé, and your subsequent sessions at such places and periods as public convenience may suggest, of which you will give timely notice to the Department.

You will commence your session by giving proper public notice of the same in a newspaper of the largest circulation, in the English and Spanish languages, will make known your readiness to receive notices and testimony in support of the land claims of individuals, derived before the change of government.

You will require claimants, in every case, and give public notice to that effect, to file a written notice, setting forth the name of "present claimant," name of "original claimant," nature of claim; whether inchoate or perfect; its date; from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed; locality; notice and extent of conflicting claims, if any, with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show a transfer of right from the original grantee to present claimant.

You will also require of every claimant an authenticated plat of survey, if a survey has been executed, or other evidence, showing the precise locality, and extent of the tract claimed. This is indispensable, in order to avoid any doubt hereafter in reserving from sale, as contemplated by law, the particular tract or parcel of land for which a claim may be duly filed, or in consummating the title to the same hereafter, in the event of a final confirmation.

The effect of this will be, not only to save claimants from embarrassments and difficulties inseparable from the presentation and adjudication of claims with indefinite limits, but will promote the welfare of the country generally, by furnishing the Surveyor General with evidence of what is claimed as private property, under treaty, and the act of 22d July, 1854, thus enabling him to ascertain what is undisputed public land, and to proceed with the public surveys accordingly, without awaiting the final action of Congress upon the subject. You will take care to guard the public against fraudulent, or ante-dated claims, and will bring the title papers to the test of the genuine signatures, which you should collect, of the granting officers, as well as to the test of the official registers or abstracts, which may exist of the titles issued by the granting officers.

In all cases, of course, the *original* title papers are to be produced, or loss accounted for, and where copies are presented, they must be authenticated; and your report should also state the precise character of the papers acted upon by you, whether originals or otherwise. Where the claim may be presented by a

party as "present claimant" in right of another, you must be satisfied that the deraignment of title is complete, otherwise the entry and your decision should be in favor of the "legal representatives" of the original grantee.

Your Journal should be prefaced by a record of the law under which you are required to act, and of your commission and oath of office, and should contain a full record of the notice and evidence in support of each claim, and of your decision, setting forth as succinctly and concisely as possible all the leading facts, particulars, and the principles applicable to the case, and upon which such decision may be founded. All the original papers should of course be carefully numbered, filed and preserved, and upon each should be endorsed the volume, page of the record on which they are entered, and such reference should be made on the Journal, and Docket, as will properly connect them with each other.

Your Docket should be a condensed exhibit of every case, and of your decision. The claims, both as to grade and dignity, may be classified by numerals, or alphabetically, accompanied by explanatory notes, in such a manner that it will show every case confirmed, and every one rejected by you.

In the case of any town lot, farm lot, or pasture lots, held under a grant from any corporation or town, to which lands may be granted for the establishment of a town by the Spanish or Mexican government, or the lawful authorities thereof, or in the case of any city, town, or village lot, which city, town, or village, existed at the time possession was taken of New Mexico by the authorities of the United States, the claim to the same may be presented by the corporate authorities of the said town, or where the land on which the said city, town, or village, was originally granted to an individual, the claim may be presented by, or in the name of, such individual, and the fact being proved to you of the existence of such city, town, or village, at the period when the United States took possession; may be considered by you as *prima facie* evidence of a grant to such corporation, to the individuals under whom the lot holders claim; and where any city, town, or village, shall be in existence at the passage of the act of 22d July, 1854, the claim for the land embraced within the limits of the same, may be made and proved up before you by the corporate authority of the said city, town, or village. Such is the principle sanctioned by the act of 3d March, 1851, for the adjudication of Spanish and Mexican claims in California, and I think its application to, and adoption proper in regard to claims in New Mexico.

In the Month of March, 1849, there was published in the Atlantic States, an extract from a letter dated, December 12, 1848, at Santa Fé, (New Mexico); purporting to be from a young officer of the army, in which it was stated that "the Prefect at El Paso del Norte has for the last few months been very active in disposing (for his own benefit) of all lands in that vicinity that are valuable, antedating the titles to said purchasers;" that "these land titles" would "be made a source of profitable liti-

gation," &c. It will be your duty to subject all papers under suspicion of fraud to the severest scrutiny and test, in order to settle the question of their genuineness.

You will also collect information from authentic sources in reference to the laws of the country respecting minerals, and ascertain what conditions were attached to grants embracing mines, whether or not the laws and policy of the former governments conferred absolute title in granting lands of this class in New Mexico.

It is proper, also, and you are instructed, in the case of every claim that may be filed, to ascertain from the parties, and require testimony, as to whether the tracts claimed are mineral or agricultural, and you will be careful to make the necessary discrimination in the record of your proceedings, and in your Docket.

Your Report should be divided into two parts.

Part 1st, Should embrace individual and municipal claims, and should be prepared in the manner contemplated by law, and in accordance with the requirements in the foregoing instructions.

The law further requires you also to "make a report in regard all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land."

Part 2d of your report should be devoted to this branch of your duty.

It will be your business to collect data from the records, and other authentic sources, relative to these Pueblos, so that you will enable Congress to understand the matter fully, and legislate in such a manner as will do justice to all concerned.

In a report dated July 29, 1849, in camp, near Santa Fé, from the Indian agent, James S. Calhoun, to the Commissioner of Indian Affairs, he says: "The Pueblo Indians, it is believed, are entitled to the early and special consideration of the Government of the United States: they are the only tribe in perfect amity with the Government, and are an industrious, agricultural and pastoral people, living principally in villages, ranging North and West of Taos, South, on both sides of the Rio Grande more than 250 miles;" that "by a Mexican statute these people," as he had been informed by Judge Houghton, of Santa Fé, "were constituted citizens of the Republic of Mexico, granting to all of mature age, who could read and write, the privilege of voting;" but this statute has no practical operation; that since the occupancy of the Territory by the government of the United States, the Territorial Legislature of 1847 passed the following act, which at the date of the Indian Agent's report was in force:

"Be it enacted by the General Assembly of the Territory of New Mexico: Sec. 1. That the inhabitants within the Territory of New Mexico known by the name of Pueblo Indians, and living in towns or villages, built on lands granted to such Indians by the laws of Spain or Mexico, and conceding to such inhabitants

certain lands and privileges, to be used for the common benefit, are severally hereby created and constituted bodies politic and corporate, and shall be known in law by the name of the Pueblo, &c., (naming it) and by that name they and their successors shall have perpetual succession, sue and be sued."

In a subsequent report, viz: of the 4th October, 1849. the same officer reported from Santa Fé, that "the Pueblos, or civilized towns of Indians of the Territory of New Mexico, are the following:

|                                                                                       |                  |
|---------------------------------------------------------------------------------------|------------------|
| In the county of Taos—Taos, Picuris,                                                  | 283 inhabitants, |
| In the county of Rio-Arriba—San Juan, Santa Clara,                                    | 500 "            |
| In the county of Santa Ana—Cochiti, Santo Domingo, San Felipe, Santa Ana, Zia, Jemez, | 1918 "           |
| In the county of Santa Fé—San Ildefonso, Nambé, Pojoaque, Tesuque,                    | 590 "            |
| In the county of Bernalillo—Sandia, Isleta,                                           | 883 "            |
| In the county of Valencia—Laguna, Acoma, Zuñi,                                        | 1800 "           |
| Opposite El Paso—Socorro, Isleta,                                                     | 600 "            |

*Recapitulation—Pueblos of New Mexico.*

|                                                   |       |                     |
|---------------------------------------------------|-------|---------------------|
| County of Taos,                                   | 283   | over 5 years of age |
| " " Rio-Arriba                                    | 500   | " " " "             |
| " " Santa Fé,                                     | 590   | " " " "             |
| " " Santa Ana,                                    | 1918  | " " " "             |
| " " Bernalillo,                                   | 883   | " " " "             |
| " " Valencia,                                     | 1800  | " " " "             |
| District of Frontera, opposite El Paso del Norte, | 600   | " " " "             |
|                                                   | 6,524 |                     |

The above enumeration, it is stated by the officer mentioned, "was taken from census ordered by the Legislature of New Mexico, convened December, 1847, which includes only those of five years of age and upwards," and further, that "these Pueblos are located from ten to near a hundred miles apart, commencing North, at Taos, and running South to near El Paso, some four hundred miles or more, and running East and West two hundred miles; this statement having no reference to Pueblos west of Zuñi."

In another dispatch, dated the 15th October, 1849, at Santa Fé, the same agent reports that "these pueblos are built with direct reference to defence, and their houses are from one to six stories high," &c.; that "the general character of their houses is superior to those of Santa Fé," they "have rich valleys to cultivate," &c., and they "are a valuable and available people, and

as firmly fixed in their homes as any one can be in the United States;” that “their lands are held by Spanish and Mexican grants, to what extent is unknown;” that SANTA ANA, as Major Whistman had informed the Agent, “decreed, in 1843, that one born in Mexico was a Mexican citizen, and as such, is a voter and therefore all the Pueblo Indians are voters” but, “that the exercise of this privilege was not known prior to what is termed an election, the last one in this Territory,” &c.

It is obligatory on the government of the United States to deal with the private land titles, and the ‘Pueblos,’ precisely as Mexico would have done, had the sovereignty not changed. We are bound to recognize all titles as she would have done; to go that far, and no further. This is the principle which you will bear in mind, in acting upon these important concerns.

You will append to your report on the Pueblos, the best map of the country that can be procured, on a large scale, and will indicate thereon the localities and extent of the several pueblos, as illustrative of that report, which you are desired to prepare and transmit to the Department at as early a period as the nature of the duty will allow.

Very respectfully,

Your obedient servant.

JOHN WILSON,

Commissioner.

WILLIAM PELHAM, ESQ.,

U. S. Surveyor General of New Mexico.

DEPARTMENT OF THE INTERIOR,

August 25, 1854. }

The foregoing instructions are hereby approved.

R. MCLELLAND,

Secretary.

GENERAL LAND OFFICE, August 28th, 1854.

SIR: The act of 22d July, 1854, directs that your “power, authority, and duties, shall be the same as those provided by law for the Surveyor General of Oregon.” There you are required to execute the 2d, 3d and 4th sections of that law, making donations to actual settlers and frontier soldiers; the 5th and 6th sections, reserving lands for school and university purposes; the 7th, granting pre-emption rights, as well as the 1st section, providing for the survey of the lands in New Mexico, and the 8th, conferring on you the authority to report on the private claims in that Territory.

Instructions have already been sent you under the 1st and 8th sections; the following will govern you in the discharge of your duties under the other sections above mentioned.

The second section grants a quarter section of land, or one,

hundred and sixty acres, to every white male citizen of the United States, and to every white male, over twenty-one years of age who has declared his intention of becoming a citizen, who was residing in said Territory prior to the 1st of January, 1853, and who was residing there at the passage of this act.

A like grant is made to the same classes of persons who have removed to, or shall remove and settle in said Territory, between the 1st day of January 1853, and the 1st day of January, 1858.

These grants are made on the condition of actual settlement and cultivation on the land claimed as a donation, for not less than four years; and the act requires that each of those donations shall include the actual settlement and improvement of the donee, and shall be selected by legal subdivisions within three months after the survey of the land, where the settlement was made before the survey; and where the settlement was made after the survey, then within three months after the settlement is made; under penalty of entire forfeiture of the claim for failing to designate the boundaries of the claim as thus required.

The difference in these grants is, that the period of four years' continued settlement and cultivation, required by the law, is to be counted in the former class, from the commencement of the settlement and cultivation, and hence may have been completed at or before the passage of the law; and if so, such persons are entitled to certificates as soon as the land is surveyed, on proof, as required by law. In the latter class, the settlement and cultivation must have been commenced after the 1st of January, 1853, and must continue from such commencement for the full term of four years, as required by this act, before the parties can procure certificates. The only exception to this rule is, where the settler has died, or may die, before the completion of the four years occupancy and cultivation required by the act, when his right will descend to his heirs at law, who will be entitled to a certificate and patent, on proof of continued occupancy and cultivation by such settler to the time of his death. This provision will be regarded as applicable to both classes of donees.

In each case, you will require the evidence of at least two respectable citizens, that the claimant is over twenty-one years of age, is an American citizen, giving their reasons for knowing this fact; or where one not a citizen claims, a certificate under seal from the clerk of the proper court, that such person did at such a time file his declaration of intention to become a citizen. The testimony must also show the date when the settlement commenced, the character of the dwellings, and the extent and nature of the improvements and cultivation, and that the occupancy and cultivation were continuous for four years, or until the death of the settler.

On such evidence, you will issue certificates according to the accompanying forms, and transmit the same, with the the testimony filed in support of the claims. These certificates will be headed respectively, "Donation, settlement and cultivation for four years;" or "Donation, settlement and cultivation 'till death, of settler," and in either case, where the claimant is not a citi-

zen you will add that remark, "not a citizen," at the end of either of the above headings, so that patents may not issue for such cases, until the claimants become citizens, as provided by the 3d section of the act. Whenever a settler desires to enter with cash the land settled upon and improved by him, before the expiration of the four years continuous settlement and occupation required by this act, he is authorized to do so by the 7th section of this law, by paying therefor at the rate of one dollar and twenty five cents per acre. Before being permitted to make such entry, however, he must make similar proof to that above required, of the date and character of his settlement and cultivation, and that it has been continuous up to the time he applies to purchase the same. In these cases, the form of the certificate will be varied to suit the circumstances of the case, and the certificates will have the additional heading, "paid for in cash." Duplicate receipts should be furnished in these cases, one to be given to the settler, the other to accompany your Return to this office. These cases should be embraced in your returns of Donation cases, and you will charge yourself with the amount of purchase money in your account as Receiver.

The 4th section expressly excludes from the provisions of this act, certain lands of which you will take proper notice. Further, holders of valid claims under the Mexican or Spanish grants cannot be entitled to a donation under this law, neither can they, or holders of donations, be entitled to pre-emptions; the intention of this law being mainly to encourage the settlement of the country. Therefore, actual settlement and cultivation being the basis of both donations and pre-emptions, they cannot exist under the same person, in two different places, at one time; nor can such settlement and cultivation be made by the holder of a Mexican or Spanish grant, within the intent of this act, unless he relinquish such grant.

By the 4th section, moreover, all legal subdivisions settled on, in whole or in part, for purposes of trade and commerce, and not for agriculture, are made subject to the provisions of the act of 23d May, 1844, in relation to town sites on the public lands, whether so settled and occupied before or after the survey of such lands, except that said lands are donated instead of being sold. This, of course, only applies to such settlements on public lands, and not to towns built upon grants from the former governments. In the latter cases, full instructions are given in connection with private claims.

In the cases provided for by this act, where application is made by the properly constituted officers to secure land for towns, cities or village-, under the act of 23d May, 1844, as amended by this act, you will require satisfactory reliable evidence to be submitted, establishing the fact that the subdivisions applied for are occupied in whole or in part for purposes of trade and commerce, and not for agriculture, and on such evidence you will issue certificates to such officers, stating the facts, and that they are entitled to patents for the lands described, on presentation of those certificates to the Commissioner of the General Land Of-

office. These certificates, with the proof, should be transmitted with your monthly Returns of Donations, and be headed, "Donation under the acts of 23d May, 1844, and 22d July, 1854—Townsite," or village, &c., as the case may be.

Under the 5th section, sections numbered 16 and 36 in each Township, will be reserved for schools in all cases. The act clearly contemplates the tracts thus designated in regular rectangular Townships and hence those lands must be thus numbered, however surveyed, and the reservations will apply to none other.

Under the 6th section the Legislature of New Mexico is authorized to select the site for a quantity of land equal to two townships, for the establishment of a University, and when selected by persons authorized to do so by the Legislature, you will respect such selections, enter them on the plats as reserved for University purposes, and transmit a list of them to this office. These selections, however, must be made in compact bodies of not less than a half section in area body; any minor subdivision may be taken in lieu of, and full satisfaction of a half section, and any quantity above a half section, not exceeding the grant, may be taken in one body.

By the 7th section of this act, any of the lands not taken under its other provisions, are made subject to the operation of the pre-emption act of 4th September, 1841, whether settled upon before or after the survey. The enclosed instructions under the latter law will be sufficient for all cases where the settlement was made after the survey, and will apply equally well where it was made before, with this difference, that in the latter case the settler is required to file his declaration within three months after the survey is made and returned; that is, within three months after the plats are approved by you.

Of the returns required under the 8th section, you have been fully instructed under the head of private claims. You will make a separate Return of donations, including those paid for in accordance with the accompanying form, beginning with No. 1 and going on continuously to the highest number.

You will also make a separate Return under the pre-emption act of 1841, as modified by this act. The certificates will be headed, "Pre-emption act of 1841 and 1854." Certificates and receipts will be transmitted by you with returns as in other cases of cash sales.

✓ In your quarterly account, as Receiver, you will charge yourself with all moneys received for pre-emptions and donations. These returns will be distinct and separate from those required of you as Surveyor General.

As explanatory of the views of this office on questions arising

in the examination of donation claims and town sites, I send you copy of a letter written to the Surveyor General of Oregon on these subjects, the law being very similar in that Territory to that for New Mexico.

I am very respectfully.

Your obedient servant,  
JOHN WILSON,  
Commissioner.

WM. PELHAM, Esq.,  
Surveyor General of New Mexico.

DEPARTMENT OF THE INTERIOR,  
September 2d, 1854. }

The foregoing instructions are hereby approved.

R. McCLELLAND, ✓  
Secretary.

U. S. SURVEYOR GENERAL'S OFFICE

SANTA FE, N. M.,

May 14<sup>th</sup> 1883

I Henry M. Atkinson United States Surveyor General for the Territory of New Mexico do hereby certify that the foregoing pages from five to nineteen both inclusive printed in pamphlet form contains a true, correct and perfect copy of the only instructions issued by the Commissioner of the General Land Office and approved by the Secretary of the Interior or issued by said Secretary of the Interior to the Surveyor General of the Territory of New Mexico under the act of Congress approved July 22<sup>nd</sup> 1854 as appears of record in my office, for the adjudication of private Land Claims in the Territory of New Mexico.

Witness my hand and official seal this 14<sup>th</sup> day of May 1883.

Henry M. Atkinson  
United States Surveyor General  
for the Territory of New Mexico

The  
your  
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107

## NOTICE

### TO THE INHABITANTS OF NEW MEXICO:

The Surveyor General of New Mexico, by act of Congress approved on the 22d July, 1854, is required to make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo, of 1848, denoting the various grades of title, with his decision thereon, as to the validity or invalidity of each of the same, under the laws, usages, and customs of the country before its cession to the United States." And he is also required to make a report in regard to all Pueblos existing in the Territory, showing the extent and locality of each; stating the number of inhabitants in the said Pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants and give full effect to the treaty of 1848, between the United States and Mexico.

Claimants, in every case, will be required to file a *written notice*, setting forth the name of "present claimant," name of "original claimant," nature of claim, whether inchoate or perfect its date, from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed, locality; notice and extent of conflicting claims, if any, with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show transfer of right from the "original grantee" to "present claimant."

Every claimant will also be required to furnish an authenticated plat of survey, if a survey has been executed, or other evidence, showing the precise locality and extent of the tract claimed.

To enable the Surveyor General to execute the duty thus imposed upon him by law, he has to request all those individuals who claimed lands in New Mexico before the treaty of 1848, to produce the evidences of such claims at his office, at Santa Fé, as soon as possible.

The act of Congress, above referred to, grants 160 acres of land to every white male citizen of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, now residing in New Mexico, and who was so residing prior to 1st January, 1853; and to every white male citizen of the United States, and to every white male above the age of twenty-one years, who has declared his intention to become a citizen, who was residing in the Territory on the 1st January, 1853, or who shall remove to, and settle therein, at any time prior to the 1st of January, 1858, the same law also grants 160 acres of public land.

No claim to any such donation is valid unless the land has, or shall be settled on, and cultivated, for four successive years; and no such donation claim is allowed to interfere in any manner with any claim recognized by the treaty of Guadalupe Hidalgo.

All individuals claiming the benefit of such donation, will find it to their interest to give the earliest possible information to the Surveyor General, as to the localities of their settlements, in order to enable him to direct his surveying operations accordingly.

The localities in each county shall be described as distinctly as possible, in reference to any and all notable objects in the vicinity.

Given under my hand, at my office, at Santa Fé, this 18th day of January, A. D., 1855.

WILLIAM PELHAM,  
Surveyor General of New Mexico.

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### FORM OF NOTICE

To be given to the Surveyor General of New Mexico, by the settler claiming a donation of 160 acres of land in virtue of the second section of the act of 22d July, 1854; such notice to be given within three months *after survey*, where the settlement was made before the survey; and within three months *after settlement*, where the settlement was made after the survey:

SECRETARY'S OFFICE,  
TERRITORY OF NEW MEXICO.

I, WILLIAM G. RITCH, Secretary of the Territory of New Mexico, do hereby certify  
that *Henry M. Atkinson* who signed the foregoing was at the date  
thereof *United States Surveyor General for the*  
\_\_\_\_\_ in and for the county of \_\_\_\_\_

~~in the~~ Territory of New Mexico, that his signature is genuine, and that his official acts are en-  
titled to full faith and credit.

In Testimony Whereof, I have hereunto set my hand and  
affixed my official seal at Santa Fe, the Capital, this 17  
day of *May* 187*3*

*W. G. Ritch*  
Secretary of New Mexico.

## TO DONATION CLAIMANTS.

The act of Congress, above referred to, grants 160 acres of land to every white male citizen of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, now residing in New Mexico, and who was so residing prior to 1st January, 1853; and to every white male citizen of the United States, and to every white male above the age of twenty-one years, who has declared his intention to become a citizen, who was residing in the Territory on the 1st January, 1853, or who shall remove to, and settle therein, at any time prior to the 1st of January, 1858, the same law also grants 160 acres of public land.

No claim to any such donation is valid unless the land has, or shall be settled on, and cultivated, for four successive years; and no such donation claim is allowed to interfere in any manner with any claim recognized by the treaty of Guadalupe Hidalgo.

All individuals claiming the benefit of such donation, will find it to their interest to give the earliest possible information to the Surveyor General, as to the localities of their settlements, in order to enable him to direct his surveying operations accordingly.

The localities in each county shall be described as distinctly as possible, in reference to any and all notable objects in the vicinity.

Given under my hand, at my office, at Santa Fé, this 18th day of January, A. D., 1855.

WILLIAM PELHAM,  
Surveyor General of New Mexico.

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 FORM OF NOTICE

To be given to the Surveyor General of New Mexico, by the settler claiming a donation of 160 acres of land in virtue of the second section of the act of 22d July, 1854; such notice to be given within three months *after survey*, where the settlement was made before the survey; and within three months *after settlement*, where the settlement was made after the survey:

## NOTICE.

No. —

The Surveyor General of New Mexico is hereby notified that, under the provisions of the second section of the act of Congress approved July 22<sup>d</sup>, 1854, entitled "an act to establish the offices of Surveyor General of New Mexico, Kansas and Nebraska, to grant donations to actual settlers therein, and for other purposes," I, A. B., of the county of —, in the Territory of New Mexico, claim a donation to a tract of land containing one hundred and sixty acres, known and designated according to the United States official surveys as —.

(Signed) A — B —.

*Affidavit, to accompany the above.*

No. —

A. B., the claimant herein named, being first duly sworn declares that he is a white settler on the public lands in New Mexico, in — county, and that he was occupying and cultivating the tract of land described in the above notice on or about the — day of —, 185—, and that he has continued to reside upon and cultivate the same, from that date up to —. The said A. B. moreover declares that he is over twenty-one years of age; that he is a native born (or naturalized, as the case may be) citizen of the United States.

Subscribed and sworn in my presence, at Santa Fé, this — day of —, 185—.

(Signed) WM. PELHAM, S. G.

In case the party claiming is not a naturalized citizen, and has only declared his intention to become a citizen, such fact is to be set forth in the affidavit, and which is to be accompanied by the certificate of declaration, certified under seal by the clerk of the court in which it was filed.

Before a *donation certificate* can be issued, proof satisfactory to the Surveyor General must be filed, from two disinterested witnesses, that the party claiming, resided upon the tract of land claimed for four years continuously, or up to the time of his death as the case may be. Certified copies of the original notice and proof are to be forwarded to the Department, with the certificate in each case. Two disinterested witnesses are required to establish the facts of continued occupancy and cultivation, as a *general* rule, which, however, may be departed from in cases where the Surveyor General is satisfied with the testimony of one witness.

The following is a form for such testimony:

No. —

I. (or we, as the case may be) of — county, in the Territory of New Mexico, being duly sworn, declare that — am (or are, as the case may be) in no way interested in the tract of land claimed as a donation by A. B., and designated as the — quarter of Section No. —, in Township No. —, of Range No. —, and that I (or we) am (or are) personally acquainted with the said A. B., and know that he has personally resided upon and cultivated said tract of land continuously, from or about the — day of —, 18—, to the — day of —, 18—.

Subscribed and sworn before me, at Santa Fé, this — day of —, 18—.

\_\_\_\_\_  
Surveyor General of public lands  
in New Mexico.







# INSTRUCCIONES

DEL

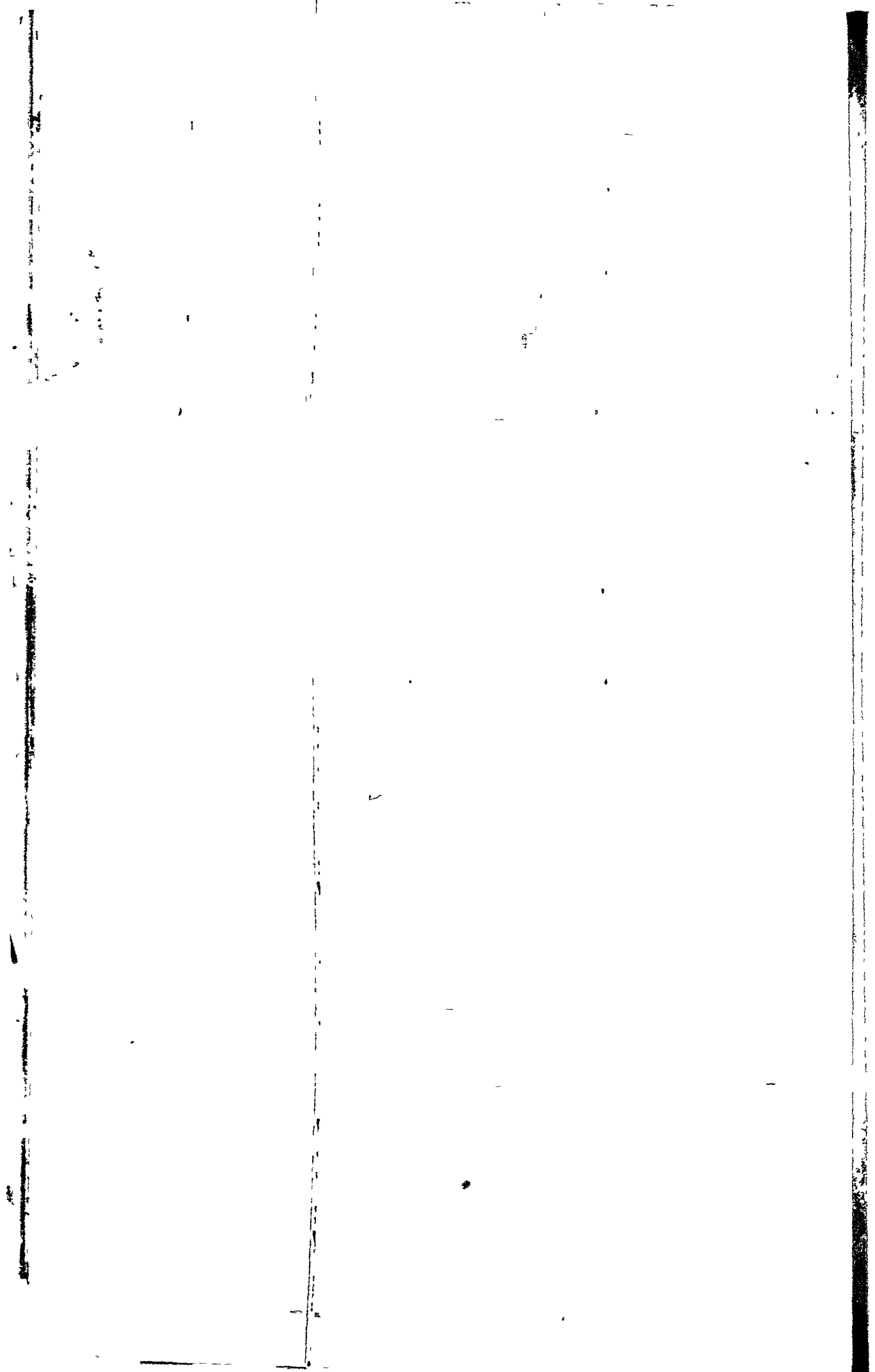
COMISIONADO DEL DESPACHO GENERAL DE TERRENOS

GUILLERMO PELHAM,

AGRIMENSOR GENERAL DEL NUEVO MEJICO.

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SANTA FE,  
IMPRESAS EN LA OFICINA DE LA GACETA.  
MDCCLV.



## INSTRUCCIONES, &c., &c.

DESPACHO GENERAL DE TERRENOS.  
á 21 de Agosto, de 1854. }

SEÑOR: La 8.<sup>a</sup> seccion del Decreto, aprobado el 22 de Julio, próximo pasado, para el establecimiento del destino de Agrimensor General en el Nuevo Méjico declara lo siguiente:

“SECCION 8.<sup>a</sup>. *Y decretese además.* Que será el deber del Agrimensor General, bajo tales instrucciones que le sean dadas por el Ministro del Interior, determinar (ascertain) el origen, la naturaleza, el carácter, i la extension de todos los reclamos de terrenos, bajo las leyes, usos i costumbres de España i Méjico, i para este fin podrá publicar avisos, citar testigos, prestar juramentos, i hacer i efectuar todos los demas hechos que sean necesarios al caso.”

“Hará un informe ámplio de todos aquellos reclamos que originaron antes de que fuese cedido el Territorio á los Estados Unidos, por el Tratado de Guadalupe Hidalgo, de mil ochocientos cuarenta i ocho; señalando los varios grados de título, con su decision (decision) tocante á la validez ó invalidez de cada uno de ellos, bajo las leyes, usos, i costumbres del pais, antes de ser cedido á los Estados Unidos; y tambien hará una relacion tocante á todos los Pueblos (de Indios) que existen en el Territorio, mostrando la extension i localidad de cada uno de ellos, manifestando el número de habitantes que hai en dichos Pueblos, respectivamente, i la naturaleza de sus títulos al terreno. Dicha relacion se hará segun el formulario que presentará el Ministro del Interior. cuya relacion se pondrá ante el Gobierno para que se tomen aquellas medidas que se crean justas i convenientes (proper) con la mira de confirmar mercedes, *bona fide*, dando el entero (full) cumplimiento al Tratado de mil ochocientos

cuaenta i ocho entre los Estados Unidos i Méjico; i hasta la disposicion final del Congreso, sobre tales reclamos, todos los terrenos sean reservados de ser vendidos ó que el Gobierno disponga de ellos de otra manera, i no estaran sujetos a las donaciones concedidas por las provisiones anteriores de este Decreto.”

El fin que le impone este decreto al Agrimensor General es un deber importante i responsable. Tiene a su cargo el preparar una relacion fiel de todos los títulos de terreno en el Nuevo Méjico que tuvieron su origen ántes de que los Estados Unidos sucesen a la soberania del pais, i la lei contempla una relacion tal, que el Congreso pueda hacer una distincion justa i propia entre aquellos que son *bona fides* i deben confirmarse, i aquellos que son fraudulentos, ó que de otra manera carezcan de mérito, i deben rechazarse.

El tratado de 1848 entre los Estados Unidos i Méjico—Estatutos Generales de los Estados Unidos, tomo 9, página 922, conviene mutuamente (stipulates) en los artículos 8 i 9 en la seguridad i proteccion de la propiedad de particulares.

Los términos que allí se usan, son los mismos, en sustancia, en este caso, que los que fueron usados en el tratado de 1803, por el cual la Republica Francesa cedió a los Estados Unidos la antigua provincia de la Louisiana, i por consiguiente, en el exámen de títulos extranjeros en el Nuevo Méjico, tendrá Vd. la asistencia de las decisiones ilustradas, i los principios que ellas desarrollan, de la Corte Suprema de los Estados Unidos, sobre los títulos que fueron fundados en el tratado de la cesion, i las leyes del Congreso relativas a la materia.

La seguridad de la propiedad de particulares, que en el tratado de Guadalupe Hidalgo se conviene, está de acuerdo con los principios de la lei publica (public law) reconocida universalmente por las naciones civilizadas:

“El pueblo cambia su alianza, su relacion a su soberania antigua queda disuelta; pero sus relaciones entre si (to each other) i sus derechos de propiedad, permanecer duraderas (undisturbed).” Los E. U. contra *Pechman*, 7 Decisiones de Peters.

En la causa de los Estados Unidos, contra *Ajedondo* i otros, 6. Decisiones de Peters la Corte Suprema declara que el Congreso “ha adoptado por base de todos sus hechos, el principio de que la lei de la provincia en donde se halla situado el terreno, es la lei que dá validez a la merced (grant), por la cual se ha de probar si fué *propiedad* (*property*) al tiempo de ser vigentes los tratados.”

El Congreso, en el presente acto de legislacion, ha obrado bajo el mismo principio, cuyo acto requiere que el Agrimensor General, bajo las instrucciones del Ministro del Interior, determine (ascertain) el origen, la naturaleza, el carácter i la extension de todos los reclamos de terreno “bajo las leyes, usos i costumbres de España i Méjico,” i arma al Agrimensor General con poder, con el fin de autorizarle a “publicar avisos, citar testigos, pres-

tar juramentos, i hacer i efectuar todos los demas hechos que sean necesarios al caso."!

Los títulos de terrenos de particulares en el Nuevo México son derivados de las autoridades de la España vieja, como tambien de México.

Este los títulos son examinados por la lei, i que se les da un valor que es:

1º. Se les da un valor a los títulos de terrenos de España, aplicable a sus posesiones segun el carácter general del título, segun se ha"la modificado por las leyes locales i usos, en las provincias dependientes interiores de esa Monarquía en este continente.

Con este fin, de 1873, examinaron las leyes de España, las Reales Ordenanzas, Decretos i Reglamentos, que se hallan reunidos en la Recopilacion de W. de 2 tomos.

Por los Decretos del Congreso promulgados el 26 de Mayo de 1824, 23 de Mayo de 1827, i 17 de Mayo de 1844, Estatutos Generales de los Estados Unidos, tomo 4, página 52, cap. 173; página 284 cap. 70; i tomo 5, página 670, cap. 95, las Cortes de Distrito de los Estados Unidos fueron abiertas para el examen i adjudicacion de títulos extranjeros; muchos casos de apelacion, bajo estas leyes i otras causas de autos de error (writs of error), en que acciones de despojo (ejectments) habian sido instituidas en las cortes inferiores fueron puesta ante la Corte Suprema de los Estados Unidos. Igualmente los derechos de propiedad, bajo títulos incipientes ó imperfectos, que originaron bajo el sistema Español, han sido examinados completamente i han sido discutidos con una habilidad eminente.

Estas decisiones las encontrará Vd. en los Informes de Peters i Howard, de las decisiones de la Corte Suprema de los E. U. Es importante que Vd. las examine en combinacion con la lei Española, i la legislación del Congreso tocante al asunto, para que Vd. pueda entender i poder aplicar los principios del sistema Español, como lo entienden é interpretan las autoridades de nuestro Gobierno.

2º. Al llegar Vd. á Santa Fé, hará Vd. aplicacion al Gobernador del Territorio para que se le entregue a quella porcion de los archivos que contiene mercedes de terreno hechas por las autoridades anteriores del pais.

Verá Vd. que sean conservados en un lugar seguro contra los incendios, ó otra contingencia, i que solamente se permita acceso á ellas, á los dueños de terrenos que puedan tener necesidad de referir á los registros de sus títulos, i esas referencias deben hacerse bajo su propia vista, ó la de un empleado juramentado, del Gobierno.

Procederá Vd. de una vez á arreglar i clasificar los papales segun sus fechas, i hacerlos encuadernar de un modo sustancial i fuerte. Hará Vd. hacer un inventario marcado No. 1, en duplicado, i preparará Resumen No. 2, también en duplicado, de todas las mercedes que se hallan en los archivos (records) mostrando los nombres de los amercenados (grantees), la fecha, el área, la localidad, por quien fue concedida, i bajo que autoridad.

Preparará Vd. en duplicado, de los archivos, ò otros medios de autoridad, un Documento No. 3. manifestando los nombres de todos los empleados del Territorio que tenían la facultad de repartir terrenos, desde la primera poblacion del Territorio hasta el cambio de gobierno señalando los varios periodos de su ocupacion del destino, la naturaleza i terminos de sus facultades para conceder terrenos; si los Gobernadores ó Jefes Políticos (political chiefs) tenían la facultad de repartir el terreno público, i hasta que grado, i bajo que condiciones i límites, si en alguna clase de casos tenían la facultad de conceder una merced absoluta, i si la tenían, hasta que maximum en área, ò si estaban sujetas á la afirmacion del Gobierno departamental ó supremo; si estaba en operacion el sistema de agimensura Español, i desde cuando, en el pais; i bajo que organizacion; tambien acompañará copias justificadas en el original i traducciones de las leyes i decretos de la República Méjicana i los Reglamentos que hayan sido adoptados por el gobierno general de esa República, para la disposicion de los terrenos públicos en el Nuevo Méjico

Acompañada recibirá Vd. una lista de medidas para terrenos, adoptada por el Gobierno Méjicano, traducida de las ordenanzas de Tierras i Aguas, por Mariano Galvan, edicion de 1844, como fué impresa en los Doc. Ejec. No. 17, 1<sup>a</sup> session, 31<sup>er</sup> Congreso, Cam. de Reps., que contiene mucha informacion importante tocante á California i el Nuevo Méjico; i á cuyo documento invito á Vd. á un exámen cuidadoso i especial.

En una memoria del 14 de Noviembre de 1851, del Agrimensor General de California, se manifiesta que todas las mercedes, etc., de solares ò terrenos en California, hechas por el Gobierno Español ó el de Méjico, hacen referencia á la vara de Méjico como medida de longitud; que por el consentimiento comun en California, esa medida se considera exactamente igual á treinta i tres pulgadas Americanas. Ese empleado nos envió entonces, copia de un documento que habia conseguido, manifestando ser un extracto de un tratado hecho por el gobierno Méjicano, en el cual aparece que se dá la longitud á la "vara," i segun el Diccionario de Pesas i Medidas, por J. H. Alexander (de Baltimore), la vara Méjicana se manifiesta ser igual á .92741 de la yarda Americana.

Sin embargo este Despacho ha aprobado el reconocimiento de que la vara Méjicana en California, es igual á treinta i tres pulgadas Americanas.

Comparará Vd. cuidadosamente los datos sueltos en la inclusa lista, i lo antedicho, con la medidas Españolas que se usan en el Nuevo Méjico, i dará Vd. cuenta, si son idénticas, ó si se han cambiado de cualquier modo por la lei, ó costumbre; dará Vd. cuenta de todos los pormenores.

Deberá Vd. añadir tambien al "Documento No. 3." los formularios usados bajo los gobiernos anteriores, para obtener mercedes, principiando con los pasos iniciativos; es decir; la peticion, é indicando los varios pasos sucesivos hasta completarse el título.

Una copia del "Inventario," "Resumen," i "Documento," que se le requieren á Vd. como antedicho, debidamente comprobados por Vd., deberan formar parte de los archivos permanentes del Despacho del Agrimensor General, i duplicados de ellos deberan remitirse, en tanto ántes, al Ministerio del Interior.

El conocimiento i la experiencia que adquirirá Vd. en el arreglo de los archivos, en la reunion de materiales, i en la preparacion de los documentos pedidos en estas instrucciones, pondrá á Vd. en estado de que principie con juicio la obra de recibir, examinar las evidencias que puedan presentar á Vd. los que reclaman terrenos, i preparar su memoria de ella, para la determinacion del Congreso.

En primer lugar se proveerá Vd. con un Diario, formado de un tomo ó tomos bien empastados, el cual formará un protocolo amplio de los procedimientos oficiales de Vd. tocante á los títulos de terrenos, i con una Tablilla á propósito para que se registren en ella los reclamos en el orden en que se presenten, i arreglarla de manera que muestre á primera vista, una relacion breve de cada causa, su número, nombre del original i el del reclamante actual, el área, la localidad, de que autoridad fue derivada, la naturaleza del título, si es completo ó incompleto, con su decision de Vd. sobre el asunto.

Deberia Vd. tener su primera sesion en Santa Fé, i sus sesiones subsiguientes se tendran en los lugares i tiempos que la conveniencia pública pueda proponer, de lo cual dará Vd. cuenta oportuna á este Ministerio.

Principiará Vd. su sesion, dando el aviso público necesario en una gaceta que tenga la mayor circulacion, en los idiomas Ingles i Castellano. Dará á entender su prontitud para recibir avisos i evidencias en la mantencion de reclamos de terrenos de particulares, derivados ántes del cambio de gobierno.

Requerirá Vd. á los reclamantes, i dará V. aviso público al caso, que protocolen un aviso escrito, manifestando el nombre del "reclamante actual," el nombre del "reclamante original," la naturaleza del reclamo, si es incompleto (inchoate) ó completo, su fecha de que autoridad fué derivado el título original, con referencia á las pruebas de la facultad i autoridad con que haya obrado el oficial que concedió el título, la cantidad que se reclama, la localidad, aviso i extencion de reclamos que chocan, si hubiere, con referencia á la evidencia escrita i las declaraciones en que se apoyan para establecer el reclamo, i para mostrar el traspaso de derecho del "agraciado original" al "reclamante actual."

Tambien le requerirá Vd. á todo reclamante un mapa auténtico, de la agrimensura del terreno, si se ha medido u otras evidencias, que muestren la localidad exacta, i la extencion del terreno que se reclama. Esto es indispensable para evitar en lo futuro cualquiera duda, en reservar de que se venda, como lo contempla la lei, el pedazo ó porcion particular de tierra, al cual se halla protocolado debidamente algun reclamo, i en completar el título, en lo futuro, en caso de una confirmacion final.

El resultado de esto, será, no solamente evitarle embarazos i

dificultades á los reclamantes, los cuales son inseparables á la presentacion i adjudicacion de reclamos con límites indefinidos, sino que adelantará tambien el bienestar del pais en general, supliendole pruebas al Agensensor General, de lo que se reclama como propiedad particular, bajo de Tratado i el decreto del 22 de Julio de 1854, proporcionandole de este modo el medio de poder conocer cual es terreno baldío incontestable, i proceder, de consiguiente en las agremiaciones públicas, sin aguardar la decision final del Congreso sobre la materia.

Tendrá Vd. el cuidado de prevenir al público contra reclamos fraudulentos ó antedatados, i hará que se pruebe la validez de las firmas en los documentos de títulos, cuyas firmas de los oficiales concesionarios deberá Vd. reunir; como tambien las pruebas de los registros oficiales ó resúmenes que existan de los títulos expedidos por los oficiales concesionarios.

Por supuesto, en todos casos, se deben presentar los documentos de título *originales*, ó se ha de dar cuenta de su pérdida, i cuando se presentan copias, deberán ser comprobadas, i su memoria debe manifestar tambien el carácter exacto de los papeles sobre los cuales ha obrado Vd., si son originales ó de otra clase. Cuando sea presentado el reclamo por uno como "Reclamante Actual," en derecho de otro, debe Vd. satisfacerse lo que la justificacion del título es cabal, de otra manera, el protocolo i su decision de Vd. deberá ser á favor de los "Representantes Legales" del agraciado original.

Su Diario deberá tener un prólogo conteniendo un registro de la lei, bajo la cual se le requiere á Vd. obrar, su patente i su juramento, i debe contener un registro completo del aviso, i las pruebas que sostienen á cada reclamo, i la decision de Vd. manifestando lo mas sucinto i breve que sea posible, todos los puntos principales, los promedios, i los principios aplicables al caso, i bajo los cuales se funda dicha decision. Todos los documentos originales, deben por supuesto numerarse cuidadosamente, protocolarse i guardarse, i debe rotularse en cada uno el tomo, la página del registro en que esta protocolado i se debe hacer tal referencia en el Diario, i la Tablilla que los ligue propriamente los unos con los otros.

Su Tablilla deberá ser una manifestacion condensada de cada causa con su decision de Vd. Los reclamos, por lo que toca á sus grados i dignidades pueden clasificarse con números, ó alfabeticamente, acompañados con notas de explicacion, de manera que muestre todos los casos que se hayan confirmado i los que hayan sido rechazados por Vd.

En casos de sitios de plaza (townsites), sitios de labor, ó sitios de pastos, bajo merced de alguna corporacion ó plaza (town), al cual se hayan concedido terrenos para el establecimiento de una plaza (town) por el Gobierno Español ó el Mexicano, ó las autoridades legales de ellos, ó en el caso de algun sitio de ciudad, villa ó aldea, cuya ciudad, villa ó aldea existió al tiempo de tomar las autoridades de los E. Unidos posesion del Nuevo México, el reclamo se puede presentar por las autoridades corpóreas de dicha villa, ó cuando el terreno, en que dicha ciudad, villa ó

aldea (se halla situada) fué concedida primeramente á algun individuo el reclamo se podrá presentar por, ó en el nombre del, tal individuo, i el hecho de probarsele á Vd la existencia de dicha ciudad, villa ó aldea al tiempo de tomar posesion los E. U. puede Vd considerar como prueba *prima facie* de que fué concedida una merced á dicha corporacion, ó al individuo bajo el cual reclaman los tenedores del sitio; i cuando existió alguna ciudad, villa ó aldea, al tiempo del pasage del Decreto del 22 de Julio de 1854, las autoridades corpóreas de dicha ciudad, villa ó aldea, podian hacer i probar reclamo al terreno abrazado, dentro de sus limites, ante Vd. Tal es el principio aprobado por el decreto del 3 de Marzo de 1851, para la adjudicacion de reclamos Españoles i Mejicanos en la California, i creo que es aplicable, i su adopcion es justa, á los reclamos en el Nuevo Méjico.

En el mes de Marzo de 1849, se publicó en los Estados del Atlántico, un extracto de una carta fechada en Santa Fé (Nuevo Méjico) á 12 de Diciembre de 1848, manifestando ser de un jóven oficial del Ejército, en la cual se declaró que, "El Prefecto del Paso del Norte, por unos pocos meses atras, estaba muy ocupado, disponiendo (para su propio beneficio) de todos los terrenos de importancia en esa vecindad, poniendoles fechas anticipadas á los titulos de dichos compradores," que "esos titulos de terrenos serian cosas de litigacion ventajosa," &c. Será su deber de Vd sujetar todos los documentos en que se sospecha fraude al mas riguroso escrutinio i pruebas con el fin de determinar su pureza.

Tambien colectará Vd informes de orígenes auténticos, tocante á las leyes del pais, que refieren á minerales, i procure Vd enterarse que condiciones requerian las mercedes que abrazaban minas, si las leyes i la política de los gobiernos anteriores conferian titulos absolutos cuando concedian terrenos de esta clase en el Nuevo Méjico. Es conveniente tambien, i es Vd instruido, en caso de todo reclamo que se protocolé, enterarse de las partes, i requerir pruebas, si los terrenos reclamados son minerales ó agriculores, i tendrá Vd el cuidado de hacer la distincion necesaria en el registro de sus procedimientos, i en su Tablilla.

Su memoria se deberá dividir en dos partes.

Parte 1<sup>a</sup>. Deberá contener reclamos particulares i municipales, i deberá prepararse de la manera que contempla la lei, i de acuerdo con lo que requieren las instinciones precedentes.

La lei requiere que dê Vd "una relacion tocante á los pueblos (le Yndios) que existen en el Territorio, mostrando la extencion i la localidad de cada uno, manifestando el número de habitantes que hai en los dichos pueblos, respectivamente, i la naturaleza de sus titulos al terreno.

La Parte 2<sup>a</sup>. de su memoria se deberá dedicar á este ramo de su deber.

Tambien será el deber de Vd recoger datos de los archivos, i de otros rígenes auténticos, tocante á estos Pueblos, para que el Congreso quede bien informado por Vd del asunto, i legislar de manera que todos los interesados reciban justicia.

En una relacion, con fecha del 29 de Julio de 1849. en el campo, cerca de Santa Fé, del Agente de Indios, James S. Calhoun, al Comisionado de negocios de Indios, dice, "Los Indios de Pueblo, si cree, tienen derecho á la consideracion especial i pronta del Gobierno de los Estados Unidos; es la única nacion que se halla en amistad completa con el Gobierno, i son industriosos, agricultores, i pastores, viven principalmente en pueblos, colocados al norte i al poniente de Taos por una distancia mas de 250 millas hacia el Sur, de ambas márgenes del Rio Grande," que "por un estatuto Mejicano," le habia informado el Juez Houghton de Santa Fé "fueron constituidos ciudadanos de la República de Méjico, dandoles el privilegio de votar á todos los de edad madura que podian leer i escribir," pero este estatuto no tiene operacion práctica; "que despues de la ocupacion del Territorio por el Gobierno de los Estados Unidos, la Legislatnra Territorial de 1847, pasó el siguiente decreto," que se hallaba vigente á la fecha de la relacion del Agente de Indios.

"Decrétese por la Asamblea General del Territorio de Nuevo Méjico. SECCION 1. Que las habitantes dentro del Territorio de Nuevo Méjico, conocidos con el nombre de Indios de Pueblos, i que viven en pueblos ó aldeas, erigidos en terrenos cedidos á dichos Yndios por las leyes de España ó Méjico, i concediendoles á dichos Indios ciertas tierras i privilegios, para su uso comun, son creados i constituidos cada uno de ellos, por este Decreto, en cuerpos politicos i corpóreos i seran conocido en la lei con el nombre de el Pueblo de, &c., (nombrandolo) i con ese nombre ellos i sus sucesores tendran sucesion perpétua, demandaran i seran demandados."

Despues, en otra relacion, á saber, del 4 de Octubre de 1849, el mismo empleado dió cuenta desde Santa Fé, que "los Pueblos ó plazas de Indios civilizados en el Territorio de Nuevo Méjico, eran los siguientes:

|                                                                                       |                 |
|---------------------------------------------------------------------------------------|-----------------|
| En el condado de Taos—Taos, Picuris,                                                  | 283 habitantes, |
| En el condado de Rio-Arriba—San Juan, Santa Clara,                                    | 500 "           |
| En el condado de Santa Ana—Cochiti, Santo Domingo, San Felipe, Santa Ana, Zia, Jemez, | 1918 "          |
| En el condado de Santa Fé—San Ildefonso, Namhé, Pojoaque, Tesuque,                    | 590 "           |
| En el condado de Bernalillo—Sandia, Isleta,                                           | 883 "           |
| En el condado de Valencia—Laguna, Acoma, Zuñi,                                        | 1800 "          |
| Enfrente de El Paso—Socorro, Isleta,                                                  | 600 "           |

*Recapitulacion—Pueblos del Nuevo Méjico.*

|                                                            |             |                            |
|------------------------------------------------------------|-------------|----------------------------|
| Condado de Taos,                                           | 283         | mayores de 5 años de edad. |
| “ “ Rio-Arriba                                             | 500         | “ “ “ “                    |
| “ “ Santa Fé,                                              | 590         | “ “ “ “                    |
| “ “ Santa Ana,                                             | 1918        | “ “ “ “                    |
| “ “ Bernalillo,                                            | 883         | “ “ “ “                    |
| “ “ Valencia,                                              | 1800        | “ “ “ “                    |
| Distrito de la Frontera, enfrente<br>de El Paso del Norte, | 600         | “ “ “ “                    |
|                                                            | <hr/> 6,524 |                            |

“La enumeracion precedente,” dice el oficial referido, “fué tomado del padron que mandó hacer la Legislatura del Nuevo Méjico, reunida en Diciembre de 1847, que incluye solamente aquellos de 5 años de edad para arriba,” i ademas, que “estos pueblos” se hallan á una distancia de diez hasta cerca de cien millas aparte, principiando al Norte, en Taos, i corriendo hacia el Sur, hasta El Paso, unas cuatrocientas millas ó mas, i de oriente á poniente doscientas millas;” esta relacion no se refiere á los pueblos al poniente de Zuñi.

En otro despacho con fecha del 15 de Octubre de 1849, en Santa Fé, el mismo Agente, dice que “estos pueblos estan fabricados con una mira directa á la defensa, i sus casas tienen de seis á ocho pisos,” &c.; que “el carácter general de sus casas es superior á las de Santa Fé;” “tienen ricos valles para cultivar,” &c.; “son gente útil i eficaz, i tan fijos en sus domicilios como cualquiera en los Estados Unidos;” que “tienen sus terrenos por mercedes Españolas i Méjicanas, hasta que grado, no se sabe;” que SANTA ANNA, le habia informado el Major Weightman, al Agente, “habia decretado en 1843 que uno nacido en Méjico, era ciudadano Méjicano, i como tal es votador, i por consiguiente todos los Indios de Pueblo eran votadores,” pero “que el ejercicio de este privilegio no fué conocido ántes de lo que se llama eleccion, la última que tuvo lugar en este Territorio,” etc.

Es obligacion de los Estados Unidos tratar á los reclamos de terrenos de particulares, i á los Pueblos, lo mismo que los hubiese tratado Méjico, si la soberania no hubiese cambiado. Estamos obligados á reconocer todos los títulos como lo hubiera hecho ella, hasta ese grado, pero no mas allá. Este es el principio que tendrá Vd. presente, al obrar en estos asuntos importantes.

Añadíá Vd., á su relacion, tocante á los Pueblos, el mejor mapa del pais, que pueda Vd. procurar, en una escala grande, i señalará en él las localidades i extension de los varios pueblos, para ilustrar esa relacion; la cual se desea que prepare Vd i lo

remita al Ministerio, tan pronto como la naturaleza del deber lo permita.

Con el mayor respeto,  
su obediente servidor,  
JOHN WILSON,  
Comisionado.

Señor GUILLERMO PELHAM,  
Agrimensor General de los E. U.  
del Nuevo Méjico.

MINISTERIO DEL INTERIOR. }  
á 25 de Agosto de 1854 }

Las antecedentes instrucciones quedan aprobadas.  
R. McCLELLAND,  
Ministro

DESPACHO GENERAL DE TERRENOS }  
á 28 de Agosto de 1854. }

SEÑOR: El decreto del 22 de Julio dispone que sus "facultades, autoridad i deberes seran los mismos que declara la lei para el Agrimensor General de Oregon" Por consiguiente, se le requiere á Vd que ejecute la 2<sup>a</sup>, 3<sup>a</sup>, i 4<sup>a</sup>, secciones de esa lei, que hace donaciones de terrenos á los pobladores actuales, i para sitios de plaza (town sites); la 5<sup>a</sup> i 8<sup>a</sup> secciones que reservan terrenos para Escuelas i Universidades, la sétima que da el derecho de primacia (pre-emption rights), como tambien la 1<sup>a</sup> seccion que dispone la agrimensura de los terrenos en el Nuevo Méjico, i la 6<sup>a</sup> que le dá á Vd. la facultad de relacionar sobre los reclamos de particulares en ese Territorio.

Le han sido remitidos á Vd instrucciones bajo la 1<sup>a</sup> i 8<sup>a</sup> seccion. Lo que sigue, será para su gobierno, en el cumplimiento de su deber bajo las otras secciones referidas.

La segunda seccion concede la cuarta parte de una seccion de terreno ó ciento sesenta acres á cada ciudadano, varon, blanco de los Estados Unidos, i á cada varon, blanco, mayor de veinte i un años de edad que habia declarado su intencion de ser ciudadano, i que tuvo su residencia en el Territorio ántes del primer dia de Enero de 1853, i que residia allí al tiempo del pasage de este decreto.

Se hace una donacion igual á la misma clase de personas, que se hayan mudado, ó que se muden i se establezcan en dicho Territorio entre el primer dia de Enero de 1853 i el primer dia de Enero de 1858.

Estas donaciones se hacen, bajo la condicion de poblacion actual, i que el terreno a donarse sea cuando la donacion se efectuare por cuatro años sucesivos, uno de ellos, requiera que cada una de estas donaciones, en favor de la poblacion, sea la mayoras del agrioñado, i seran en consecuencia, las mayores legales, dentro de tres meses después de haberse efectuado el terreno, cuando se hizo la poblacion á favor de la poblacion, i dentro de tres meses después de haberse efectuado el terreno, cuando se hizo después de la agrimensura, bajo la forma de compensacion entera del reclamo por haberse tanto, i satisfaciendo los intereses de los reclamos como asi se dispone.

La diferencia en estas mercedes es, que el período de cuatro años de poblacion continua, i de cultivacion que requiere la lei, deben contarse en la primera clase, desde el principio de la poblacion i cultivo, i de consiguiente, puede haberse completado al tiempo del pasage de este Decreto ó ántes; i siendo así, dichas personas tienen el derecho de recibir certificados, tan luego que la tierra sea medida, bajo pruebas, como lo requiere la lei. En la ultima clase, la poblacion i cultivo deben haber principiado despues del 1.º de Enero de 1853, i debe continuar desde dicho principio, por el término completo de cuatro años, ántes que las partes pueden recibir certificados. La única excepcion que hai á esta regla, es, cuando ha muerto el poblador, ó que pueda morirse ántes de completarse los cuatro años de ocupacion i cultivo que requiere este decreto, entónces su derecho pasa á sus herederos legítimos, quienes tendran el derecho á un certificado i patente al probarse la ocupacion i cultivo continuo por dicho poblador, hasta el tiempo de su muerte.

Esta prevención será considerada como aplicable á ambas clases de agraciados.

En cada caso requerirá Vd. las declaraciones de á lo ménos dos ciudadanos respetables para probar que el reclamante es mayor de veinte i un años de edad, que es ciudadano Americano, dando sus razones para conocer esta circunstancia, ó quando reclama uno que no es ciudadano, requerirá Vd. un certificado, bajo sello del escribano de la corte competente, para probar que en tal tiempo protocoló la declaracion de su intencion de ser ciudadano. Las declaraciones deben probar tambien, la fecha, en que se principio los poblacion, el carâcter de los edificios, i la naturaleza de las mejoras i del cultivo, i que la ocupacion i cultivo se hicieron por cuatro años sucesivos, ó hasta la muerte del poblador.

Con tales pruebas dará Vd. certificados segun los formularios que acompañan i los remitirá Vd. con las pruebas presentadas para sostener los reclamos. Estos certificados seran encabezados respectivamente, "Donacion, poblacion i cultivo por cuatro años," ó "Donacion, poblacion i cultivo hasta la muerte del Poblador," i en ambos casos cuando el reclamante no es ciudadano, añadirá Vd. la observacion, "no es ciudadano," al fin de cualquiera de los referidos encabezados, para que no se expida la patente en tales casos, hasta que los reclamantes sean ciudadanos, como lo previene la seccion 3<sup>a</sup> del decreto. Cuando un pobla-

dor desea asentar, con dinero, el terreno poblado i mejorado por él, antes de cumplirse los cuatro años de poblacion i cultivo continuo, que requiere este decreto, tendrá la facultad de hacerlo, segun la seccion 7.<sup>a</sup> de este decreto, pagando por el terreno á razon de un peso i veinte i cinco centavos el acre. Antes de permitirle que haga dicho asiento, sin embargo, es necesario que dé pruebas, semejantes á las referidas que se requieren, de la fecha, existencia de su poblacion i cultivo, i que ha sido continua, para lo que hace la aplicacion para comprarlo. En este caso el certificado será cambiado para acomodar a las circunstancias del caso, i el certificado llevará el valor adicional, "pagado en dinero." En estos casos se deben dar recibos duplicados; uno de los cuales se dará al poblador, i el otro acompañará su relacion de Vd. á esta oficina. Estos casos se deben abrazar en sus relaciones de casos de Donacion, i se cargará Vd. con el dinero de la compra, en su cuenta como Receptor.

La seccion 4.<sup>a</sup> excluye expresamente de las provisiones de este decreto, ciertos terrenos de lo cual tendrá Vd. la debida consideracion. Ademas, tenedores de reclamos válidos bajo mercedes Españolas ó Mejicanas, no pueden tener derecho á las donaciones concedidas por este decreto, ni pueden ellos, ni los tenedores de donaciones, tener el derecho de primacia; pues la intencion de esta lei es, principalmente, incitar á la poblacion del país. Por consiguiente, siendo la poblacion actual i el cultivo las bases de las donaciones i el derecho de primacia, no pueden existir en la misma persona en dos lugares diferentes, á un mismo tiempo; ni podrá hacerse tal poblacion actual, ó cultivo por el tenedor de una merced Española ó Mejicana, segun el sentido de este decreto, á ménos que abandone dicha merced.

Ademas, en la 4.<sup>a</sup> seccion todas las subdivisiones legales pobladas del todo, ó en parte, para fines de tráfico i comercio, i no para la agricultura, estan sujetas á las provisiones del decreto del 23 de Mayo de 1844, relativos á sitios de plaza (town sites) en terrenos públicos; con la excepcion de que dichos terrenos son concedidos en lugar de ser vendidos. Esto, por su puesto, se refiere solamente á las poblaciones hechas en terreno público, i no á aquellos plazas construidas en lugares amercenados por los gobiernos anteriores. En este último caso, se han dado instrucciones amplias, correspondientes á reclamos de particulares.

En estipulados casos proveidos por este decreto, cuando los empleados propiamente constituidos hacen aplicacion para asegurar terrenos para villas, ciudades ó aldeas, bajo el decreto del 23 de Mayo de 1844, enmendado por este decreto, requerirá Vd. que se sometan pruebas satisfactorias, de confianza, que establezcan el hecho de que las subdivisiones que se piden estan ocupadas del todo, ó en parte, para los fines de tráfico i comercio, i no para la agricultura; i bajo tales pruebas, dará Vd. certificados á las dichas autoridades manifestando las circunstancias, i que tienen derecho de recibir patentes para los terrenos señalados, al presentar estos certificados, al Comisionado del

Despacho General de Terrenos. Estos certificados, con las pruebas deberán remitirse con sus relaciones mensuales de donaciones, i serán encabezados "Donacion bajo las decretos del 23 de Mayo de 1841, i del 22 de Julio de 1854—Sitio de Villa," ó "aldea," etc., como sea el caso.

Segun la seccion 6<sup>a</sup>, la Legislatura del Nuevo Méjico está autorizada para disponer la seleccion de una cantidad de terreno, igual á dos cabildos (townships) para el establecimiento de una Universidad, i cuando sea señalado el terreno por personas autorizadas para hacerlo, por la Legislatura, respetará Vd. dichas selecciones, las asentará Vd. en los mapas, como reservadas para usos de la Universidad, i remitirá Vd. una lista de ellas á este Despacho. Estas selecciones, deberán hacerse sin embargo en cuerpos cerrados, de no ménos de media seccion en cada cuerpo; se podrá tomar alguna subdivision menor en lugar de, i en entera satisfaccion de una media seccion, i cualquiera cantidad mayor de una media seccion, que no exceda la donacion, podrá tomarse en un cuerpo.

La seccion 7<sup>a</sup> de este decreto, dispone que cualquiera de los terrenos que no sean tomados bajo las otras prevenciones, del decreto, estaran sujetas á la operacion del decreto de Primacia (pre-emption) del 4 de Setiembre de 1841, ya se haya poblado ántes, ó despues de la agrimensura. Las inclusas instrucciones bajo esta última lei, serán suficientes para todos los casos en que la poblacion se hizo despues de la agrimensura, i tendrá una aplicacion igual, cuando se hizo la poblacion ántes, con esta diferencia, que en el último caso, al poblador se le requerirá que protople su declaracion dentro de tres meses despues de que se haga i se retorne la agrimensura, es decir, dentro de tres meses despues de que sean aprobados los mapas por Vd.

Tocante á las relaciones requeridas bajo la 8<sup>a</sup> seccion, ha sido Vd. debidamente instruido, bajo el titulo de reclamos de particulares. Hará Vd. una relacion separada, de Donaciones, incluyendo aquellas que han sido pagadas, de acuerdo con el formulario que acompaña, empezando con el No. 1, i siguiendo en continuacion hasta el número mas alto.

Tambien hará Vd. una relacion separada bajo la lei de Primacia (pre-emption) de 1841, modificada por este Decreto. Los certificados serán encabezados "Decreto de Primacia de 1841 i 1854." Certificados i recibos serán remitidos por Vd. con retornos, como en otros casos de ventas al contado.

En su cuenta trimestral como Receptor, se cargará Vd. con todos los dineros recibidos por primacias i donaciones. Estas relaciones serán distintas, i apartes de las que se le requieren á Vd. como Agrimensor General.

En explicacion de las minas de este Despacho sobre cuestiones que resulten en el exámen de reclamos de Donaciones i sitios de plaza (town sites), remito á Vd. copia de una carta escrita al

Agrimensor General de Oregon relativa á esos asuntos, siendo  
un asunto que se refiere á la del Nuevo Méjico.

Con el mayor respeto,

su obediente servidor,

JUAN WILSON,

(Comisionado.

Señor GUILLERMO PITHAM,

Agrimensor General, del Nuevo Méjico.

MINISTERIO DEL INTERIOR }  
á 2 de Set'e de 1854. }

Las referidas instrucciones quedan aprobadas.

R. McCLELLAND,  
Secretario.

## AVISO

### A LOS HABITANTES DEL NUEVO MEJICO.

Al Agrimensor General de Nuevo Méjico se le requiere, por un decreto del Congreso aprobado el día 22 de Julio de 1854, que dê "un informe ámplio de todos aquellos reclamos que originaron ántes de que fuese cedido el Territorio á los Estados Unidos, por el Tratado de Guadalupe Hidalgo, de 1848; señalando los varios grados de título, con su decision, tocante á la validez ó invalidez de cada uno, bajo las leyes, usos i costumbres del pais, ántes de ser cedido á los Estados Unidos" Y tambien se le requiere que "dê un informe tocante á todos los Pueblos (de Indios) que existen en el Territorio, mostrando la extencion i localidad de cada uno, manifestando el número de habitantes que hai en cada Pueblo respectivamente, i la naturaleza de sus títulos al terreno, Dicho informe se hará segun el formulario que prescriba el Ministro del Interior, cuyo informe se pondrá ante el Congreso, para que se tomen las medidas que se crean justas i convenientes, con la mira de confirmar mercedes *bona fide*, i darle el entero cumplimiento al Tratado de 1848, entre los Estados Unidos i la República de Méjico."

En todos casos, á los que reclaman terrenos se les requerirá protócolar un aviso escrito, manifestando el nombre del 'reclamante actual,' el nombre del "reclamante original," la naturaleza del reclamo, si es completo, ó incompleto. su fecha, porqué autoridad fué concedido el título original, con referencia á las pruebas de la facultad i autoridad con que obró el oficial que concedió el título, la cantidad que se reclama, la localidad, aviso i extencion de reclamos que chocan, si hubieren, con referencia á la evidencia escrita, i las declaraciones en que se apoyan para establecer el reclamo, i para mostrar el traspaso del derecho, del "agraciado original, al reclamante actual."

A todo reclamante se le requerirá que presente un mapa auténtico de la agrimensura del terreno, si se ha medido, ò otra evidencia que muestre la localidad exacta, i la extencion del terreno que se reclama.

Para que el Agrimensor General pueda cumplir con el deber que así le impone la lei, tiene que suplicar á todos aquellos individuos que reclamaron terrenos en el Nuevo Méjico, ántes del Tratado de 1848, que produzcan las evidencias de tales reclamos, en su oficina, en Santa Fe lo mas pronto que sea posible.

## A LOS QUE RECLAMAN DONACIONES DE TERRENO.

El decreto del Congreso, referido, concede 160 acres de tierra á todo ciudadano, varon, blanco, de los Estados Unidos, ó á todo varon blanco, mayor de 21 años de edad, que haya declarado su intencion de ser ciudadano, i que ahora reside en el Nuevo Méjico. i que tuvo su residencia alli ántes del 1<sup>o</sup> de Enero de 1853, i á todo ciudadano, varon, blanco, de los Estados Unidos, i á todo varon blanco, mayor de 21 años de edad, que haya declarado su intencion de ser ciudadano, i que residia en el Territorio el dia 1<sup>o</sup> de Enero de 1853, ó que se mude i se establezca alli en cualquier tiempo ántes del 1<sup>o</sup> de Enero de 1858, la misma lei concede tambien 160 acres de terreno baldío.

Ningun reclamo á tal donacion será válido á ménos que el reclamante haya poseido, ó posea i cultive el terreno por cuatro años sucesivos, i no se permitirá que reclamo alguno de donacion estorbe de manera ninguna á reclamo alguno que sea reconocido por el Tratado de Guadalupe Hidalgo.

Todos los individuos que reclamen tales donaciones, lo hallarán á su interes que den informe, lo mas pronto que sea posible, al Agrimensor General, de la localidad de su reclamos, con el fin de que pueda acordar la direccion de sus operaciones agrimensoras. Las localidades en cada condado, seran señaladas con la claridad que sea posible, con respeto á cada uno, i todos los objetos de importancia que hayan en su vecindad.

Dado bajo mi firma en mi oficina, en Santa Fé el dia 19 de Enero de 1855.

GUILLERMO PELHAM,  
Agrimensor General del N. M.

## FORMULA DEL AVISO

Que debe darse al Agrimensor General del Nuevo Méjico, -por el poblador que reclame una donacion de 160 acres de tierra, en virtud de la segunda seccion del decreto del 22 de Julio de 1854; cuyo aviso se debe dar dentro de tres meses *despues de la agri-mensura*, cuando la poblacion se hizo ántes de la agrimensura; i dentro de tres meses *despues de la poblacion*, cuando esta se hizo despues de la agrimensura.

### AVISO.

No. —.

Al Agrimensor General del Nuevo Májico se le avisa por el presente que, bajo las provisiones de la segunda seccion del decreto del Congreso, aprobado el dia 22 de Julio de 1854, titulado "Un Decreto para crear los destinos de Agrimensor General del Nuevo Méjico, Kansas i Nebraska, para conceder donaciones, á los pobladores actuales en dichos Territorios, i para otros fines," Yo, A.B., del condado de——, en el Territorio de Nuevo Méjico, reclamo la donacion de un pedazo de terreno, que contiene ciento sesenta acres, conocido i señalado segun las agrimensuras oficiales de los Estados Unidos como ——.

(Firmado) A—— B——.

*Declaracion que acompañará al referido aviso.*

No. —.

A — B —, el reclamante nombrado en el anterior aviso, habiendo sido primeramente juramentado de estilo, declara i dice que es poblador blanco, en los terrenos públicos de los Estados Unidos en el condado de —, i que estaba ocupando i cultivando el pedazo de terreno señalado en el aviso referido, desde el día — de — de 185—, mas ó ménos, i que ha seguido residiendo en él i lo ha cultivado desde aquella fecha hasta—. El dicho A — B — declara ademas, que es mayor de veinte i un años de edad; que es ciudadano nativo (ó naturalizado como sea el caso) de los Estados Unidos.

Suscrito i juramentado ante mi en Santa Fé, el día — de — de 185—.

(Firmado) G. PELHAM, A. G.

En caso que la parte reclamante no sea ciudadano naturalizado, i que solamente ha declarado su intencion de serlo, esta circunstancia se deberá manifestar en la declaracion, i la cual ha de ser acompañada por el certificado de declaracion bajo sello del escribano de la corte en que fué protocolada.

Antes de que se pueda expedir un certificado de donacion deben protocolarse pruebas suficientes al Agrimensor General, por dos testigos desinteresados que la parte que reclama residia en dicho pedazo de terreno que se reclama, por cuatro años sucesivos, ó hasta el tiempo de su muerte, como sea el caso. Copias certificadas del aviso original, i de las pruebas han de remitirse al Departamento, con el certificado, en todos casos como regla general. Dos testigos desinteresados son necesarios para establecer la circunstancia de ocupacion i cultivo; sin embargo se podrá dispensar con esto en aquellos casos cuando el Agrimensor General está satisfecho con la declaracion de un testigo.

La siguiente fórmula se usará para dicha declaracion.

No. —.

Yo, (ó nosotros, como sea el caso) del condado de —, en el Territorio de Nuevo México, habiendo sido debidamente juramentado(s), declaro (ó declaramos) que no estoy (ó estamos) in-

teresados de manera alguna en el pedazo de terreno que reclama A—— B——, como donacion, cuyo terreno está señalado como la —— cuarta seccion, No. ——, en el cabildo No. ——, de cordillera No. ——, i que conozca (ó conocemos) personalmente al dicho A—— B——, i sé (ó sabemos) que ha residido personalmente en dicho pedazo de tierra i lo ha cultivado con innamente desde el dia —— de —— de 185—, mas ó ménos, hasta el dia —— de —— de 185—.

Suscrió i juramentado ante mi, en Santa Fé, el dia —— de —— de 185—.

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Agrimensor General de los terrenos  
públicos en el Nuevo Méjico.